## History of the Dan River WS-IV Reclassification as of October 2013

The NC EMC reclassified a segment of the Dan River and its tributaries from Class C to Class Water Supply (WS)-IV effective July 3, 2012. The reclassification was initiated by the City of Roxboro to allow for a new intake structure to be placed in the Dan River. The new intake will initially serve the City of Roxboro and the Towns of Yanceyville and Milton with an emergency potable water supply source and eventually a permanent potable water supply source when needed.

The portion of the Dan River that was reclassified extends from the proposed water supply intake to where the Dan River enters Caswell County at the North Carolina-Virginia state line. Caswell County is the only local government with jurisdiction in the reclassified watershed area. The area of Caswell County that lies within the watershed is mostly forested and used agriculturally with scattered residential development. At the time of the proceedings, there were no permitted wastewater discharges or any known planned discharges or developments that would be impacted by the reclassification.

During the reclassification process, an interlocal agreement was signed by Caswell County, the Town of Yanceyville, the City of Roxboro, and Person County. This agreement stated that Caswell County shall ". . .enact and submit to the North Carolina Environmental Management Commission a local water supply watershed management and protection ordinance acceptable to the Commission to utilize the water-supply sources of the Dan River. . . ." Such local government support is typically sought during the Water Supply reclassification process.

Virginia (VA) has proceeded through its Public Water Supply (PWS) reclassification process in order to add further protection to a portion of the Dan River upstream of the reclassified waters. In addition, NC and VA have signed a MOA regarding both states' reclassifications for the proposed NC Dan River intake. Virginia is waiting on all actions within NC to be finished prior to final adoption.

## Requirements Associated with the WS-IV classification

The rules associated with the WS-IV classification address stormwater controls, development density, wastewater discharges, land application sites and landfills. The stormwater control and development density rules apply only to new projects for which a sedimentation and erosion control plan is required. Sedimentation and erosion control plans are generally required when one or more acres of land will be disturbed during construction. As such, residential projects involving the construction of a single-family home and small commercial projects would likely be exempt from the WS-IV rules.

The WS-IV rules do not stop new development; rather they seek to protect the quality of the state's public drinking water sources through thoughtful development practices. Further, the WS-IV rules give local governments considerable flexibility to tailor their watershed protection programs to meet the needs of their communities. For example, the Water Supply rules contain provisions for cluster development and density averaging, as well as exemptions for family subdivisions, existing development, and redevelopment. Forestry and farming practices are not affected by the WS-IV rules, and current land uses are grandfathered in, meaning landowners within the reclassified Dan River watershed can continue operating on their land the same as before the reclassification.

Local governments with land use jurisdiction in the water supply watershed have 270 days after the effective date of the reclassification to adopt and implement water supply watershed protection (WSWP) ordinances that at least meet the state's minimum requirements for new development (15A NCAC 2B .0100 and .0200). As the only local government with jurisdiction in the Dan River WS-IV watershed, Caswell County is the only local government that is required to adopt and implement a WSWP ordinance containing the WS-IV new development rules as a result of the reclassification. DWR staff has been informed that Caswell County did not meet its March 30, 2013 deadline.